

**REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. In the Office Action mailed July 12, 2004, claims 1-14, 16-23 and 25-35 have been rejected. In response, the Applicant has submitted the following remarks. Accordingly, claims 1-14, 16-23 and 25-35 are pending. Favorable reconsideration is respectfully requested in view of the remarks below.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 5, 9, 10, 14, 20, 21, 23, 29, 30 and 32 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 5,924,074 to Evans (hereinafter Evans) in view of U.S. Patent No. 5,751,286 to Barber et al. (hereinafter Barber). The Applicant respectfully disagrees with this rejection. Evans teaches a medical record system that creates and maintains all patient data electronically. The system captures patient data, such as patient complaints, lab orders, medications, diagnosis, and procedures, at its source at the time of entry using a graphical user interface having touch screens. Using pen based portable computers with wireless connections to a computer network, authorized healthcare providers can access, analyze, update and electronically annotate patient data even while other providers are using the same patient record. The system likewise permits instant, sophisticated analysis of patient data to identify relationships among the data considered. Moreover, the system includes the capability to access reference databases for consultation regarding allergies, medication interactions and practice guidelines [Evans, Abstract].

As is recognized within the Office Action, Evans does not teach a second application for displaying patient data on the display unit based on the patient context data from the patient images of the first application. Furthermore, Evans does not teach a first application to display patient images for patient on the display unit, the second application in data communication with the first application, nor a workstation coupled to the display unit and configured to operate both the first application and the second

application that reside on the workstation. In fact, Evans is merely a medical record system, and does not teach two separate and distinct applications, a first for displaying patient images, and a second in communication with the first application. Following, Evans also does not teach a second application configured to receive patient context data from a first application. Within the Office Action, it is stated that reference numbers 185 and 180 in Fig. 8 depict a first application and a second application, respectively. However, reference number 180 is a healthcare provider patient chart window and reference number 185 is a viewer window of the phonetical record system [Evans, column 7, lines 28-36].

Therefore, Evans does not teach a first application to display patient images for patients on the display unit, a second application in data communication with the first application, a workstation coupled to the display unit and configured to operate both the first application and the second application that reside on the workstation, the second application being configured to receive the patient contact data, the second application displaying patient data on the display unit based on the patient context data from the patient images of the first application nor the second application being configured to receive patient data.

Barber teaches images in an image database which are searched in response to queries which include the visual characteristics of the images such as colors, textures, shapes, and sizes, as well as by textual tags appended to the images. Queries are constructed in an image query construction area in response to values of representation of the visual characteristics and to locations of the representations in the image query construction area [Barber, Abstract].

As recognized within the Office Action, Barber does not teach a first application to display patient images for patients on the display unit, a second application in data communication with the first application, a workstation coupled to the display unit and configured to operate both the first application and the second application that reside on the workstation nor the second application being configured to receive the patient context

data. Furthermore, Barber does not teach the second application displaying patient data on the display unit based on the patient context data from the patient images of the first application, as is asserted within the Office Action. Rather, Barber teaches displaying an image based on an image query. In Barber, the user may simply request "blue at the top, white at the bottom" in an attempt to retrieve a beach scene with sky at the top and sand at the bottom. The invention in Barber specifically invests a user with the ability to automatically retrieve an image from a large collection of images by approximately specifying the colors or other image characteristics of areas that occur in the image in the approximate positions at which they occur [Barber, column 2, lines 45-52]. Barber does not teach displaying data based on an image. Furthermore, Barber does not teach the second application displaying patient data on the display unit based on the patient context data from the patient images of the first application.

In contrast to the teachings of Evans, Barber, and their combination, the patient data information system of the present invention comprises integrating patient image data and patient textual data and provides a method of patient data creation, maintenance and retrieval, wherein integration includes two separate and distinct software applications. As described above, neither Evans, Barber nor their combination teach any single feature of the present invention.

Independent claim 1 is directed to a patient data information system comprising a display unit, a first application and configured to display patient images for a patient on the display unit and generate patient context data for the patient, a second application in data communication with the first application and a workstation coupled to the display unit and configured to operate both the first application and the second application that reside on the workstation, the first application configured to send patient context data to the second application, and the second application configured to receive the patient context data and to display patient data on the display unit based on the patient context data. As discussed above, neither Evans, Barber, nor their combination teach every single

feature of the independent claim 1. For at least these reasons, the independent claim 1 is allowable over the teachings of Evans, Barber and their combination.

Claims 5, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Barber. Claims 5, 9 and 10 depend from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 5, 9 and 10 are also allowable as being dependent upon an allowable base claim.

The independent claim 14 is directed to a method of integrating patient data from first and second applications residing on a single workstation comprising displaying patient images retrieved from an image database using the first application on the workstation, generating patient context data for a patient using the first application, sending the patient context data from the first application to the second application on the workstation, retrieving a set of patient data based on the patient context data using the second application and displaying the set of patient data using the second application on the workstation. As described above, neither Evans, Barber, nor their combination teach every single feature of independent claim 14. For at least these reasons, independent claim 14 is allowable over the teachings of Evans, Barber and their combination.

Claims 20 and 21 depend from the independent claim 14. As discussed above, independent claim 14 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 20 and 21 are also allowable as being dependent upon an allowable base claim.

The independent claim 23 is directed to an apparatus for integrating patient data through first and second applications residing on a single workstation comprising a means for displaying patient images retrieved from an image database using the first application on the workstation, a means for generating patient context data for a patient using the first application, a means for sending the patient context data from the first application to the second application on the workstation, a means for retrieving a set of patient data based on the patient context data using the second application and a means for displaying the set

of patient data using the second application on the workstation. As described above, neither Evans, Barber, nor their combination teach any single feature of the independent claim 23. For at least these reasons, the independent claim 23 is allowable over the teachings of Evans, Barber and their combination.

Claims 29 and 30 depend from independent claim 23. As discussed above, independent claim 23 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 29 and 30 are also allowable as being dependent upon an allowable base claim.

The independent claim 32 is directed to a patient data information workstation comprising a display, a first application configured to retrieve and display patient images for a patient on the display and configured to generate patient context data associated with the patient and a second application in data communication with the first application, the second application configured to receive the patient context data sent from the first application and to receive a display patient textual data for the patient on the display based on the patient context data. As described above, neither Evans, Barber, nor their combination teach every single feature of the independent claim 32. For at least these reasons, the independent claim 32 is allowable over the teachings of Evans, Barber and their combination.

Within the Office Action, claims 2, 18-19, 27-28 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Barber and further in view of U.S. Patent No. 6,032,120 to Rock et al. (hereinafter Rock).

Claim 2 depends from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claim 2 is also allowable as being dependent upon an allowable base claim.

Claims 18 and 19 depend from the independent claim 14. As discussed above, the independent claim 14 is allowable over the teachings of Evans, Barber and their

combination. Accordingly, claims 18 and 19 are also allowable as being dependent upon an allowable base claim.

Claims 27 and 28 depend from the independent claim 23. As discussed above, independent claim 23 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 27 and 28 are also allowable as being dependent upon an allowable base claim.

Claim 33 depends from the independent claim 32. As discussed above, the independent claim 32 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claim 33 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Barber in view of Rock and further in view of U.S. Patent No. 6,260,021 to Wong et al. (hereinafter Wong).

Claims 3, 6-8 and 11-13 depend from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 3, 6-8 and 11-13 are also allowable as being dependent upon an allowable base claim.

Claims 15-17 and 22 depend from the independent claim 14. As discussed above, the independent claim 14 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 15-17 and 22 are also allowable as being dependent upon an allowable base claim.

Claims 24-26 and 31 depend from the independent claim 23. As discussed above, the independent claim 23 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claims 24-26 and 31 are also allowable as being dependent upon an allowable base claim.

Claims 34 and 35 depend from the independent claim 32. As discussed above, the independent claim 32 is allowable over the teachings of Evans, Barber and their

combination. Accordingly, claims 34 and 35 are also allowable as being dependent upon an allowable base claim.

Furthermore, where the Examiner relies upon three, four or more references in support of a single rejection, the multiplicity of references supports the Applicant's assertion of non-obviousness, because even with knowledge of the Applicant's structure, the Examiner had to rely on not only one or two, but three or four references, and pick and choose among the features of those references to come up with the elements of the claimed invention. But for the knowledge of the Applicant's structure, gleaned from reading the application, it is not likely that the Examiner or another skilled in the art, would have thought of picking one part from one reference, one part from another, and still more from another. No one skilled in the art, so far as the patents cited by the Examiner are concerned, thought of making this combination, as evidenced from the multiplicity of references that are necessary to make the rejection.

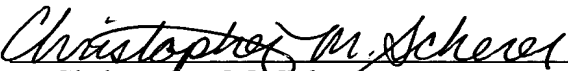
Within the Office Action, claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Barber. Claim 4 depends from the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Evans, Barber and their combination. Accordingly, claim 4 is also allowable as being dependent upon an allowable base claim.

Application No. 09/474,569  
Amendment Dated October 12, 2004  
Reply to Office Action of July 12, 2004

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Christopher M. Scherer  
Reg. No. 50,655

Andrus, Scales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Attorney Docket No.: 15-IS-5293 (5024-00105)